

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:08-CR-30
	)	(VARLAN/GUYTON)
ALFREDO ALCARAZ-BARBA,	)	
	)	
Defendant.	)	

**ORDER**

This criminal case is before the Court for consideration of the Report and Recommendation [Doc. 41] entered by United States Magistrate H. Bruce Guyton on August 25, 2008. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(2). Magistrate Judge Guyton recommended that the Court grant the government's Motion to Dismiss Indictment [Doc. 39].

The Court has carefully reviewed this matter, including the underlying pleadings and other related materials. The Court is in agreement with Magistrate Judge Guyton's recommendation, which the Court hereby adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc.

41], the government's Motion to Dismiss Indictment [Doc. 39] is hereby **GRANTED** and this case is **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE